

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENJAMIN P. FOREMAN,

Movant,

File No. 1:08-CV-1115

v.

HON. ROBERT HOLMES BELL

UNITED STATES OF AMERICA,

Respondent.

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**OPINION**

This matter comes before the Court on Movant Benjamin P. Foreman's motions to appoint counsel, (Dkt. No. 17), to expedite, (Dkt. No. 18), and to consolidate cases. (Dkt. No. 19.) These motions were filed in reference to an underlying motion to alter or amend a judgment pursuant to Fed. R. Civ. P. 59(e). (Dkt. No. 15.) The 59(e) motion is no longer pending before this court. (Dkt. No. 21.) For the reasons that follow, the motions will be dismissed as moot.

Movant filed the instant motions within the same week that this Court filed its opinion denying in part and transferring in part Movant's motion under Rule 59(e). (Dkt. Nos. 17-19, 21.) The motions to appoint counsel and to expedite would not have altered the disposition of the underlying 59(e) motion, as they are matters that do not relate to the merits. Because the 59(e) motion is no longer before this Court, the requests for counsel and to expedite the case are moot. Additionally, the third motion, to consolidate cases, is moot because the

criminal case to which Movant refers has also been transferred and is no longer before this Court. (File No. 1:06-CR-30, Dkt. No. 50.) Accordingly, the motions to appoint counsel, to expedite, and to consolidate will be dismissed as moot.

An order consistent with this opinion will be entered.

Dated: October 22, 2010

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE